

P R O C E E D I N G S

THE COURT: Go ahead and state your appearance.

MR. GILL: Anthony Gill for the United States.

MR. SHAITELMAN: Ken Shaitelman for the United States.

THE COURT: Go ahead.

MR. GILL: And, Your Honor, I will just say that we have received no response to our e-mails and our communications to Mr. Choudhri, so I don't know if someone is going to appear on behalf of Jetall and Mr. Choudhri today.

THE COURT: Do you know if he is still being represented by Mr. Patrick?

No. He withdrew. Never mind.

So we're just waiting on -- we have no information of new counsel for Mr. Choudhri; is that right?

MR. SHAITELMAN: That's correct.

THE COURT: All right. I would like you guys to wait for 15 minutes. I'll come back in. If he's still not here, I will ask you to present whatever order you believe would be appropriate given his failure to show cause as to why he should not be immediately compelled to comply with discovery; and if what you want me to do is get a bench warrant issued, let me know. All right?

MR. SHAITELMAN: Thank you.

MR. GILL: Thank you.

THE CASE MANAGER: All rise.

1 (Brief pause in the proceedings.)

2 THE COURT: We've just received information that
3 Mr. Choudhri was on the road and there's a car accident and
4 he's okay, but he's delayed.

11:31AM

5 MR. GILL: So does that mean we're waiting for him to
6 appear? Is he not going to appear?

7 THE COURT: I think he's coming to appear.

8 MR. GILL: Okay.

9 THE COURT: That's the information we have.

11:32AM

10 MR. GILL: Okay. Your Honor, do you mind? Did he
11 email the Court? Did he call the main number?

12 THE COURT: He called. He telephoned my chambers.

13 MR. GILL: Okay. Thank you.

14 THE COURT: That's all I know.

11:32AM

15 MR. GILL: Understood.

16 THE COURT: We'll give him some time.

17 (Court is in recess.)

18 THE COURT: All right. Go ahead and state your
19 appearances, please.

11:52AM

20 Come forward.

21 MR. GILL: Anthony Gill for the United States.

22 MR. SHAITELMAN: Ken Shaitelman for the United States.

23 MR. CHOUDHRI: Ali Choudhri.

24 THE COURT: And you're here representing yourself, sir?

11:52AM

25 MR. CHOUDHRI: Yes, ma'am.

1 THE COURT: All right. I note that your prior counsel
2 moved to withdraw and that order was entered.

3 All right. You may all be seated.

4 Is the government ready to tell me what it is
11:52AM 5 they would like me to do?

6 MR. GILL: Yes, Your Honor, we are.

7 THE COURT: Go ahead.

8 MR. GILL: Your Honor, do you have a preference for
9 where I stand?

11:52AM 10 THE COURT: As long as we can all hear you.

11 MR. GILL: Good enough, Your Honor. So we are here
12 today on an order to show cause that seeks several items from
13 both Mr. Choudhri and Jetall on discovery matters related to
14 two subpoenas served by the United States.

11:53AM 15 Frankly these all seem like very simple things,
16 to be honest; but we have unfortunately been chasing them for
17 several months, which is what has led us here to this order to
18 show cause.

19 There are four specific items that the order to
11:53AM 20 show cause seeks from Mr. Choudhri and three items from Jetall.
21 I'm happy to list them for the Court. I mean, I think -- I'm
22 not sure how the Court would like to proceed at this point. We
23 can sort of reiterate again why we want these items, but
24 they've been covered before in status conferences with the
25 Court.

1 THE COURT: Right.

2 MR. GILL: So if the Court has questions, I'm happy to
3 answer them; but I think the order to show cause speaks for
4 itself in terms of what we want.

11:53AM

5 THE COURT: Has anything been produced?

6 MR. GILL: No, Your Honor. There's been no
7 communication from Mr. Choudhri or Jetall since the Court
8 granted Mr. Patrick's request to withdraw.

11:54AM

9 THE COURT: Are there any formal objections that have
10 been lodged to any of the items subpoenaed?

11 MR. GILL: No, Your Honor.

12 THE COURT: All right. Mr. Choudhri, do you have the
13 documents?

11:54AM

14 MR. CHOUDHRI: Your Honor, I don't have the documents
15 on me; but if I may address the Court on where I'm at with
16 everything.

17 THE COURT: Okay.

11:54AM

18 MR. CHOUDHRI: So I did sign an interrogatory and we
19 did produce tens and tens of thousands of documents, and
20 there's definitely been some financial hardship for me.

11:55AM

21 There's a man named Osama Abdullatif who has
22 filed fraudulent liens on all of my properties and sued all of
23 my entities, including my family members, and gone far enough
24 to garnish bank accounts that were wrongfully garnished and
25 created a financial -- which is why Mr. Patrick -- I

1 recently -- I was not aware there was an order, but I believe
2 you did approve his withdrawal --

3 THE COURT: I did.

4 MR. CHOUDHRI: -- on the record. But I wasn't aware of
5 that.

6 And I have talked to some other lawyers about
7 hiring them and having them review. They needed some time and
8 financial arrangements.

9 The source of my issue, Your Honor, is not that I
10 don't want to produce. I produced tens of thousands of pages.
11 There's a company we even hired. That company is owed money
12 for the production. There was all kinds of stuff that I did
13 produce.

14 I have tried to reach out to the other side
15 unsuccessfully. I became aware of being here and I'm here, but
16 I wasn't served. But I'm here because I think it's important,
17 because I am in the process of hiring counsel. And I've spoken
18 to this gentleman who says he would need a week or two, but I
19 have a meeting with him this afternoon, Michael Nguyen.

11:56AM 20 And the situation, Your Honor, is I had a man
21 working for me named Chris Wyatt, who was a paralegal, who was
22 actually a plant. It sounds crazy, but he had been sued by his
23 former employer, Ocwen Loan Servicing, for stealing their hard
24 drive and it moved to a judgment. He actually stole my hard
11:57AM 25 drive.

1 I have the testimony of his, Your Honor, where he
2 took my hard drive that has attorney-client privilege and
3 handed it to Mr. Gill.

4 And Mr. Osama Abdullatif first had recruited my
11:57AM 5 former or now wife for a frivolous divorce action that got
6 filed in 2015 and went on until 2019.

7 Just today, the Court of Appeals denied the
8 rehearing and they filed 89 lis pendens and fraudulent liens on
9 all my properties. And I've been chased by Wayne Dolcefino.
11:57AM 10 Osama Abdullatif has hired him to harass and call my lawyers,
11 call people. I have those voice mails from Wayne Dolcefino
12 where he's accused my lenders of doing business and not wanting
13 to do business.

14 Financially they've put this burden on me and
11:57AM 15 it's really, Your Honor -- and I would like to put all the
16 documents and organize it, but I would like to share with
17 Your Honor that I did -- and I can show Your Honor the
18 communications with Mr. Patrick where I've asked what was sent
19 so I could work on it. And he says he's getting ready for
11:58AM 20 trial.

21 So I don't have whatever was produced by
22 Mr. Patrick because they are asking me to reproduce some items.

23 And I would like, Your Honor, if I could have --
24 THE COURT: Okay.

11:58AM 25 MR. CHOUDHRI: -- some time.

1 THE COURT: Here is the problem, Mr. Choudhri. This
2 has been -- the government has been trying to get this material
3 from you, as I understand it -- and the government will correct
4 me if I'm wrong -- since 2022.

11:58AM 5 And there has been some production. There has
6 been more stalling and more requests for delays and more
7 references to financial hardship. And the government is now,
8 after giving you lots of leeway and lots of time, is now
9 seeking a court order requiring you to produce the documents
11:59AM 10 that they have been attempting to obtain.

11 The order to show cause did result in your
12 appearance. You get credit for that. But the specific
13 requests include producing all media files embedded in WhatsApp
14 messages that were produced, to reproduce some of the documents
11:59AM 15 in a format that the government can use, comply with the
16 schedule that you previously agreed to, to provide supplemental
17 interrogatory responses and provide the certificates of
18 compliance that were attached to the subpoenas certifying that
19 all documents responsive have been produced. This is the day
12:00PM 20 when all of this is supposed to happen, today.

21 So my question to you is why shouldn't I send a
22 Marshal with you to go and get the rest of the documents?

23 MR. CHOUDHRI: Your Honor, I can share with you where I
24 did receive an email from Mr. Gill with this order and then I
12:00PM 25 believe someone called and was trying to maybe serve me and I

1 planned on being here regardless.

2 And I have asked for -- because I don't know what
3 all was produced, Your Honor; and I'm not the main owner, plus
4 Mr. Patrick is a good man.

12:01PM

5 I did ask for the file since August and I hadn't
6 had it. I followed up again from Mr. Patrick and I said, "I'm
7 following up again."

8 And on September 5th, he said "I'll try to get
9 this to you today. I'm in trial prep."

12:01PM

10 And then I followed up again and I said, "What's
11 the ETA?"

12 THE COURT: Let's forget about Mr. Patrick because he's
13 not representing you any longer.

14 MR. CHOUDHRI: I just need to get my files so I can
15 know --

12:01PM

16 THE COURT: Where are you files?

17 MR. CHOUDHRI: I provided to Mr. Patrick --

18 THE COURT: All right. Forget the files that
19 Mr. Patrick has. What files do you have?

12:01PM

20 MR. CHOUDHRI: I have stuff that's been uploaded in a
21 Google share drive.

22 THE COURT: Have you produced that to the government?

23 MR. CHOUDHRI: No, I haven't produced it directly to
24 them. I produced it to the attorney.

12:01PM

25 THE COURT: Produce it to the government.

1 MR. CHOUDHRI: Yes, Your Honor.

2 THE COURT: Do you have a signed and dated copy of your
3 interrogatory responses that were served on May 1st?

12:02PM

4 MR. CHOUDHRI: I have signed them and I did produce
5 them to Mr. Patrick. I don't know if they were produced. I
6 believe they were, because they were saying there's something
7 insufficient about them, but I did sign interrogatories,
8 Your Honor.

9 THE COURT: Does the government have those?

12:02PM

10 MR. GILL: Your Honor, we have a signed copy from
11 Mr. Choudhri, but it's not dated. That's the issue. It needs
12 to be dated.

13 THE COURT: All right. Meet with the government and
14 arrange for that to happen.

12:02PM

15 Do you have it here so that --

16 MR. GILL: Yes, Your Honor, I have a copy that was
17 produced so I'm happy to provide it --

18 MR. CHOUDHRI: I can sign it right now, Your Honor.

19 THE COURT: Good.

12:02PM

20 What about the media files embedded in the
21 WhatsApp messages?

22 MR. CHOUDHRI: There's an app that my assistant
23 downloaded and it uploaded messages and that was provided, sent
24 over and that's on the Google share drive as well, Your Honor;
25 and that was shared with Mr. Patrick. I'm happy to provide

12:02PM

1 that.

2 THE COURT: All right. What about reproducing the
3 February 7, 2023, production in the specified format?

4 MR. CHOUDHRI: I don't understand that.

12:03PM

5 THE COURT: Mr. Gill, can you meet with Mr. Choudhri
6 and go over with him what it is you need him to do?

7 MR. GILL: Of course, Your Honor.

8 THE COURT: And is it something that can be done here
9 in the courtroom, or does it require going to a particular
10 device?

12:03PM

11 MR. GILL: I'm not sure I can answer that. I mean the
12 issue is that we have documents in a 7,000-page PDF and we need
13 those documents in a different format. There are many
14 different formats that will satisfy the government, but not a
15 7,000-page PDF.

12:03PM

16 THE COURT: All right. Mr. Choudhri, I am ordering you
17 to go work with the government to provide an alternate workable
18 format for those documents.

19 MR. CHOUDHRI: Absolutely, Your Honor.

12:03PM

20 THE COURT: All right. The supplemental interrogatory
21 responses. Do you have the requests, the interrogatories
22 themselves, Mr. Gill? Do you have them here in the courtroom?

23 MR. GILL: Yes, a copy of the interrogatories that were
24 served by the government, yes.

12:04PM

25 THE COURT: Very well. And Mr. Choudhri, I need you to

1 meet and confer with the government to provide whatever
2 supplementary responses are needed to identify the deficiencies
3 that were set out in the government's May letter.

4 And you had the certificates of compliance in the
12:04PM 5 form that the government wants? Do you have those with you
6 today, Mr. Gill?

7 MR. GILL: Yes, Your Honor, we do.

8 THE COURT: All right. Then I'm going to leave the
9 courtroom to you. I will be here. If there is any issue with
12:04PM 10 Mr. Choudhri's compliance, please let me know and we will deal
11 with it promptly.

12 And please let me know before you leave so that
13 we can put on the record what it is that has been done with you
14 and Mr. Choudhri working together to take care of the
12:04PM 15 deficiencies in the responses. All right?

16 MR. GILL: Understood.

17 THE COURT: All right. Very good.

18 MR. CHOUDHRI: Your Honor, may I bring something to the
19 Court's attention?

12:05PM 20 THE COURT: Yes, sir.

21 MR. CHOUDHRI: I've asked this of Mr. Gill. There was
22 attorney-client privilege. I had a paralegal who was working
23 in my office who had made recordings of third parties that
24 weren't there along with Mr. Dolcefino, who then published them
12:05PM 25 on the Internet.

1 And then he told another court that he got them
2 on the Internet when he actually got them before from
3 Chris Wyatt. Chris Wyatt was paid by Osama Abdullatif while he
4 was working for me. He handed my hard drive to the government
12:05PM 5 and I would like to bring to the attention of the Court because
6 I believe the government is in possession of my company's
7 privileged documents that they're aware they've gotten from
8 Mr. Wyatt.

9 I have a transcript where he's admitted that he's
12:06PM 10 taken them without my permission, my hard drive. And I have
11 evidence that he was working for Osama while he was working for
12 me as my paralegal, and that's attorney-client privilege. He
13 was interfacing with my various lawyers in the divorce case and
14 various cases and I've been advised that that is interception
12:06PM 15 and the government should not possess those and I would like
16 for Your Honor to --

17 THE COURT: Who had access to those documents?

18 MR. CHOUDHRI: I'm sorry?

19 THE COURT: Who had access to the materials that you
12:06PM 20 assert is attorney-client?

21 MR. CHOUDHRI: Chris Wyatt.

22 THE COURT: He was an employee?

23 MR. CHOUDHRI: Yes. A paralegal who stole my hard
24 drive and intercepted and made recordings illegally.

12:07PM 25 THE COURT: Does the government have documents that

1 correspond to what's been described?

2 MR. GILL: Your Honor, so the simple answer is no. And
3 in prior correspondence with Mr. Choudhri's attorney, this idea
4 of a hard drive has been brought up and there's sort of this
5 image of a meeting where a physical hard drive is handed to the
6 government. That's never occurred, at least to my knowledge.

7 We had asked Mr. Choudhri's prior counsel if they
8 believe we are in possession of anything privileged to identify
9 for us what that might be and so that we could respond and
10 we've never received any identification from anyone about what
11 it is we may be possessing that Mr. Choudhri or Jettall believe
12 are privileged --

13 THE COURT: So if this is --

14 MR. CHOUDHRI: Your Honor, if they could just produce
15 whatever has been produced to them, that would --

16 THE COURT: Let's start a different tact.

17 Who are your lawyers who you are asserting you
18 had communications with that would have been accessible to
19 Mr. Wyatt?

20 MR. CHOUDHRI: All of my lawyers.

21 THE COURT: Who are they? Names.

22 MR. CHOUDHRI: Jeff Joyce, Tom Phillips, Lloyd Kelley.

23 THE COURT: Who is --

24 MR. CHOUDHRI: Lloyd Kelley.

25 THE COURT: Oh. All right. Go ahead.

1 MR. CHOUDHRI: And I've had a conversation and he would
2 refuse to answer that question directly, Your Honor; and I
3 should at least have whatever they have.

12:08PM

4 THE COURT: Okay. So they've already said they don't
5 have this hard drive. To the extent there are communications
6 to or from these three individuals who have just been listed,
7 can the government segregate those so that they can be
8 separately reviewed for privilege?

12:09PM

9 MR. GILL: Yes. To the extent we have them, they can
10 certainly be segregated.

11 THE COURT: So the names are Jeff Joyce, Tom Phillips
12 and Lloyd Kelley to or from. That will at least give us an
13 indication of whether there are e-mails or other communications
14 that could potentially be within the attorney-client privilege.

12:09PM

15 MR. CHOUDHRI: There's other lawyers as well,
16 Your Honor. I can list them. Those are the ones that I can
17 list -- I can go through the list of lawyers. But I simply
18 asked what they received from Chris Wyatt, who was my
19 paralegal, and they know that. They can provide me that
20 information; and they refuse to do so, Your Honor.

12:09PM

21 THE COURT: I'm not sure that the government is
22 agreeing that there was some kind of meeting with Mr. Wyatt
23 that resulted in the hand-over of a hard drive with
24 information.

12:09PM

25 MR. CHOUDHRI: It may not be a hard drive. It may be

1 like a Dropbox or a link that the government has and I know
2 they have and they won't give it and they won't share it and so
3 I'm in a bind. I don't know what privileged information they
4 have and they're aware of it, that it was taken illegally.

12:10PM

5 Mr. Costa, in fact, is in the case where we got a
6 TRO against Mr. Wyatt and he admitted taking the --

7 And, Your Honor, I can bring you these documents.
8 And Mr. Gregg Costa handled my divorce and we won it on appeal,
9 but this has been all asymmetric warfare by this man,

12:10PM

10 Osama Abdullatif, who is literally -- his aim is to completely
11 bury me in asymmetric warfare on so many fronts.

12 THE COURT: That case is not in my court. The only
13 thing that's in my court is the government's request to have
14 the subpoena that has been issued enforced. That's the only
15 thing we are here about.

12:10PM

16 MR. CHOUDHRI: And, Your Honor, to make it efficient, I
17 did ask the government that if they could provide what they had
18 received, it will make it easier. I could then go through
19 everything and respond and make sure there's nothing I've left
20 out and they've refused to do that.

12:11PM

21 Are they willing to do that?

22 THE COURT: What's the government's response?

23 MR. GILL: Your Honor, simply no. That's not our
24 obligation, to give back all the discovery that Mr. Choudhri
25 has provided and we've raised this with various counsel who

12:11PM

1 have represented Mr. Choudhri. It is someone's job, not ours,
2 to know what Jettall and Mr. Choudhri has produced and to ensure
3 that it is complete.

4 MR. CHOUDHRI: Your Honor, I'm talking about --

5 THE COURT: All right.

6 MR. CHOUDHRI: -- from Mr. Wyatt and third parties that
7 they've gotten information that Mr. Wyatt, my paralegal, for
8 example.

9 THE COURT: I'm not sure that the government is
10 conceding that they, again, got some sort of packet of
11 information in whatever form that they had any knowledge was
12 improperly provided or improperly accessed.

13 So what I am directing the government to do is
14 segregate communications that are to or from the three
15 attorneys who have been identified. And if we need to have
16 some kind of process for a filter team to review those
17 documents that are identified as privileged or simply put them
18 aside, we can do it that way.

19 But I agree. The government is not under an
20 obligation to tell you what you've produced.

21 MR. CHOUDHRI: Sure, Your Honor. If they can just
22 represent they haven't got anything from Mr. Wyatt.

23 THE COURT: I don't know how the government has
24 received information. Obviously there were subpoenas issued
25 and I assume that some of this information was provided

1 pursuant to the investigative subpoenas that were issued.

2 Is there anything more the government needs to
3 put on the record?

4 MR. GILL: Your Honor, no, other than this is an
12:12PM 5 investigation. It's a confidential investigation pursuant to
6 the FIRREA statute. I think we've explained to Mr. Choudhri's
7 counsel that we've received documents pursuant to subpoenas
8 from multiple sources, but we're not in a position to discuss
9 that --

12:13PM 10 THE COURT: All right.

11 MR. GILL: -- nor do we have an obligation to.

12 THE COURT: And I'm not ordering you to. The only
13 thing I'm ordering you to do is to segregate the potential
14 attorney-client communications identified by the involvement of
12:13PM 15 the three lawyers.

16 MR. GILL: Understood.

17 THE COURT: All right.

18 MR. CHOUDHRI: Can I provide additional lawyers that
19 have represented me and interfaced with Mr. Wyatt, Your Honor?

12:13PM 20 THE COURT: Who else would be on that list?

21 MR. CHOUDHRI: I have a list. I can share that list.

22 THE COURT: How long is the list?

23 MR. CHOUDHRI: It's long.

24 THE COURT: Are these the lawyers who have represented
12:13PM 25 you in the investigation that we're here about?

1 MR. CHOUDHRI: No, Your Honor, no, not in this. What
2 I'm referring to -- and I have my assistant here and she is
3 also aware Mr. Wyatt took all -- he was interfacing with all of
4 my various lawyers. Osama sued 50 defendants and entities and
12:14PM 5 those entities had various lawyers. And it was a frivolous
6 divorce action that finally ended on appeal.

7 And then Mr. Wyatt has a -- all of my legal files
8 in a spreadsheet that has -- from what I understand has been
9 provided to the government with all my various files.

12:14PM 10 Mr. Wyatt was the paralegal interfacing with all
11 the various lawyers -- in-house lawyers, outside counsel; and I
12 can provide a list of those lawyers.

13 THE COURT: Who besides Mr. Joyce, Mr. Phillips and
14 Mr. Kelley?

12:14PM 15 MR. CHOUDHRI: It would have been Michelle Fraga,
16 David Medina, Gregg Costa -- no, he's recent. He handled the
17 appeal for the divorce case, so that's after Mr. Wyatt left.

18 It would be -- I mentioned Jeff Joyce,
19 Kevin Pennell.

12:15PM 20 THE COURT: Pennell?

21 MR. CHOUDHRI: Pennell.

22 David Tang.

23 THE COURT: David?

24 MR. CHOUDHRI: Tang, T-A-N-G.

12:15PM 25 Keith Gross.

1 THE COURT: All right. The government can segregate
2 the documents or communications that are between Mr. Choudhri
3 and the seven names who have been identified as his counsel.

4 MR. GILL: Understood, Your Honor. To the extent we
5 have them, I'll make efforts to have that happen.

6 THE COURT: That should take care of the concern.

7 MR. CHOUDHRI: Thank you, Your Honor.

8 And just one more request, Your Honor. I don't
9 want to mess up anything in any way. If I can have maybe one
10 or two weeks to actually hire counsel that can assist so I
11 don't do something that affects me or I don't mess something
12 up.

13 THE COURT: What you need to do is respond to the
14 subpoenas and provide those documents. And, yes, by all means
15 hire counsel; but I'm not going to delay further to allow you
16 to do so.

17 MR. CHOUDHRI: Okay.

18 THE COURT: All right. Do you need any additional
19 orders, or are you satisfied with the August 19 order?

20 MR. GILL: Your Honor, I believe we may. I think what,
21 as I understood, the Court wants us to do is to meet, discuss
22 and then get back to the Court.

23 Some items, for example, serving supplemental
24 responses to the interrogatories, I would like an order and a
25 date by which that will happen. It's obviously not going to

1 happen in this courtroom. So happy to discuss with
2 Mr. Choudhri and try to agree on a date that the Court can then
3 order, but I do think a follow-up order will likely be
4 necessary.

12:17PM

5 THE COURT: I agree. So Monday is September 16th. How
6 about September 20th?

7 MR. GILL: That's fine with us, Your Honor.

12:17PM

8 THE COURT: All right. So get me a form of order that
9 uses this date as the deadline for production of -- and you
10 fill in what the "of" should cover.

11 And, of course, it will be subject to the
12 procedure we've identified for segregating potential
13 attorney-client communications.

12:18PM

14 You look thoughtful, Mr. Gill. Is there
15 something I'm missing?

16 MR. GILL: I'm checking to make sure I don't have any
17 other thoughts. I'd appreciate the Court's patience for one
18 moment.

19 THE COURT: No, that's fine.

12:18PM

20 MR. GILL: Your Honor, I don't have anything else.

21 THE COURT: All right. Let me know if there's anything
22 further.

23 Thank you.

24 MR. GILL: Thank you.

12:18PM

25 MR. CHOUDHRI: Thank you, Your Honor.

(The proceedings were adjourned.)

* * * *

REPORTER'S CERTIFICATE

I, Lanie M. Smith, CSR, RMR, CRR, Official Court Reporter, United States District Court, Southern District of Texas, do hereby certify that the foregoing is a true and correct transcript, to the best of my ability and understanding, from the record of the proceedings in the above-entitled and numbered matter.

/s/ Lanie M. Smith
Official Court Reporter

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